

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

02 FEB 2005

Applicant's or agent's file reference 11020P1 WO/AB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/03427	International filing date (day/month/year) 05.08.2003	Priority date (day/month/year) 07.08.2002
International Patent Classification (IPC) or both national classification and IPC B65D65/46		
Applicant RECKITT BENCKISER (UK) LIMITED et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 16.02.2004	Date of completion of this report 20.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Kakoullis, M Telephone No. +49 30 25901-586 <div style="text-align: right;">  </div>

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International application No. **PCT/GB 03/03427**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-36 as originally filed

Claims, Numbers

1-19 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-19
	No: Claims	
Inventive step (IS)	Yes: Claims	1-19
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: WO 02/053696 A (UNILEVER PLC ;LEVER HINDUSTAN LTD (IN);
UNILEVER NV (NL)) 11 July 2002 (2002-07-11)

D2: WO 93/08095 A (RHONE POULENC AGROCHIMIE) 29 April 1993 (1993-04-29)

D3: WO 03/072694 A (GUZMANN MARCUS ;WIEDEMANN RALF (DE);
CARBONELL ENRIC (ES); RECKITT) 4 September 2003 (2003-09-04)

2. Novelty and inventive step:

2.1 Document WO 03/072694 A (D3) could, because of its earlier priority, lead to an objection concerning the novelty of present claims 1-19 during the regional/national phase.

2.2 Independent claim 1:

The document WO 02/053696 A (D1) is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

A water-soluble container ((10); p. 17, l. 7-10) comprising a first compartment (12) containing a first composition (p. 16, l. 11), a second compartment (14) containing a second composition (p. 16, l. 12) and a spacer (16), such that a wall or wall section of the first and/or second compartment is prevented from contacting a wall or wall section of the other compartment.

The subject-matter of claim 1 differs from this known water-soluble container in that

- the spacer is rigid, and
- the spacer is located in the first compartment and/or the second compartment.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The objective technical problem derivable from these distinguishing features of claim 1, that is already defined in claim 1, i.e. a wall or wall section of the first and/or second compartment is prevented from contacting a wall or wall section of the other compartment, is solved in D1. However, the subject-matter of claim 1 seems to be an alternative solution to the technical problem described above. No indications exist in the prior art that would lead the skilled person to modify the alternative to the solution provided by the invention.

Therefore, the solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT).

2.3 Dependent claims 2-18:

Claims 2-18 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

2.4 Independent claim 19:

The document WO 93/08095 A (D2) is regarded as being the closest prior art to the subject-matter of claim 19, and shows (the references in parentheses applying to this document):

A process for producing a container as claimed in claim 1 comprising:

- forming an open container (1),
- at least partially filling the container with the first composition (3) and with the second compartment (4) containing the second composition (5), and
- sealing the container (p. 15, example 1).

The subject-matter of claim 19 differs from this known water-soluble container in that

- the process comprises positioning the spacer in the open container.

The subject-matter of claim 19 is therefore new (Article 33(2) PCT).

The objective technical problem derivable from this distinguishing feature of claim 19, is how to provide a process for producing a container from the type as claimed in claim 1, whereby a wall or wall section of the first and/or second compartment is prevented from contacting a wall or wall section of the other compartment.

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No indications exist in the prior art that would lead the skilled person to the solution provided by the invention.

Therefore, the solution to this problem proposed in claim 19 of the present application is considered as involving an inventive step (Article 33(3) PCT).

3. Industrial applicability:

The industrial applicability of the claimed invention appears to be obvious so that the criterion set forth in Article 33(4) PCT is also fulfilled.

4. Remark:

Upon entry of the regional phase the following should be noted:

- reference signs in the claims
- two-part form of the dependent claims